



APPLICATION ACCEPTED: June 06, 2014
BOARD OF ZONING APPEALS: November 19, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 12, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-MA-096

MASON

APPLICANT: Susy Soliz-Terrazas
dba Susy's Daycare, Inc.

OWNER: Janet Porter

SUBDIVISION: Broyhill Park

STREET ADDRESS: 3229 Alice Court, Falls Church, 22042

TAX MAP REFERENCE: 60-1 ((20)) 8

LOT SIZE: 10,803 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-305

SPECIAL PERMIT PROPOSAL: To permit a home child care facility.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-MA-096 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**

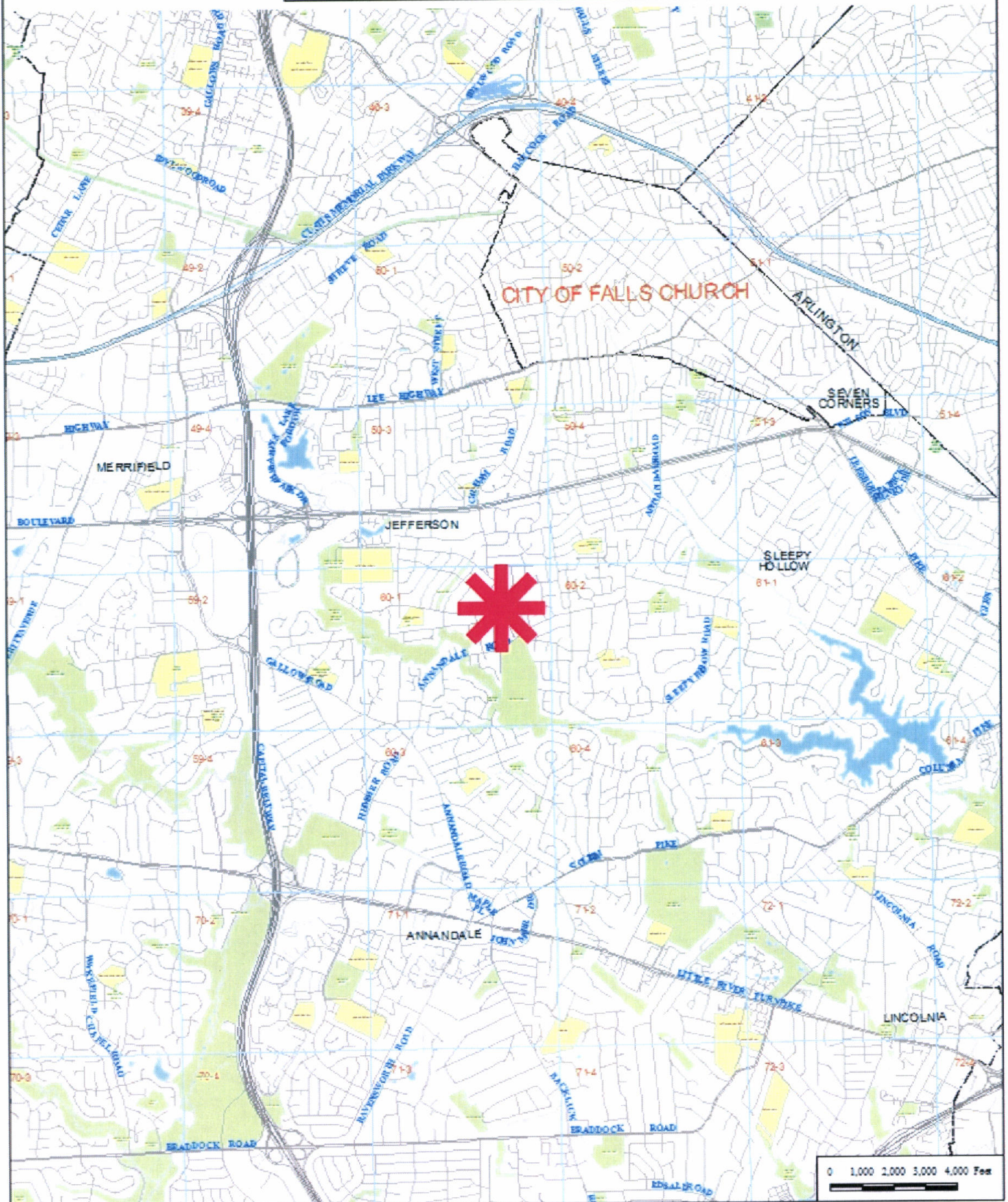


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-MA-096

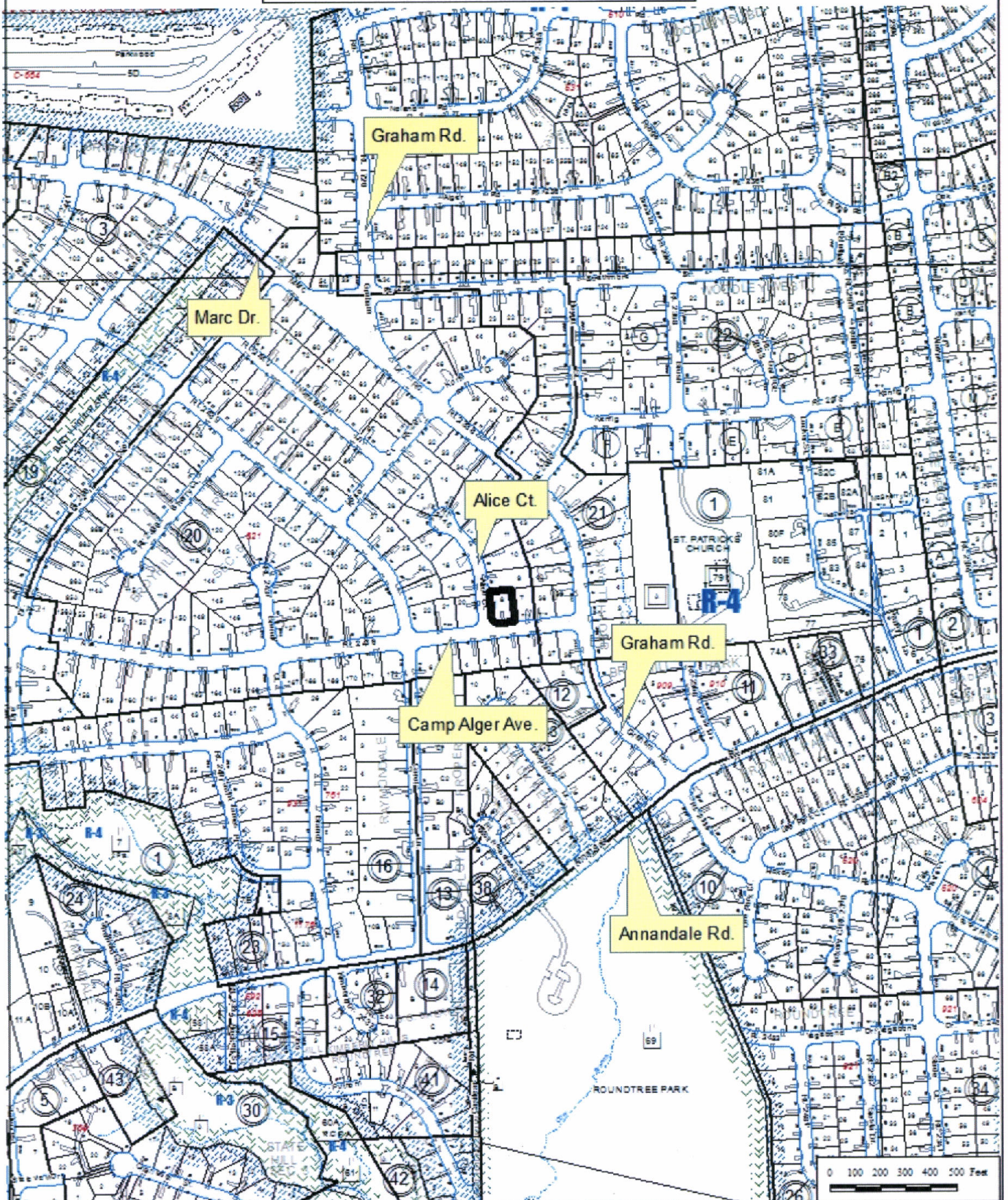
SUSY SOLIZ-TERRAZAS / SUSY'S DAYCARE INC.



Special Permit

SP 2014-MA-096

SUSY SOLIZ-TERRAZAS / SUSY'S DAYCARE INC.

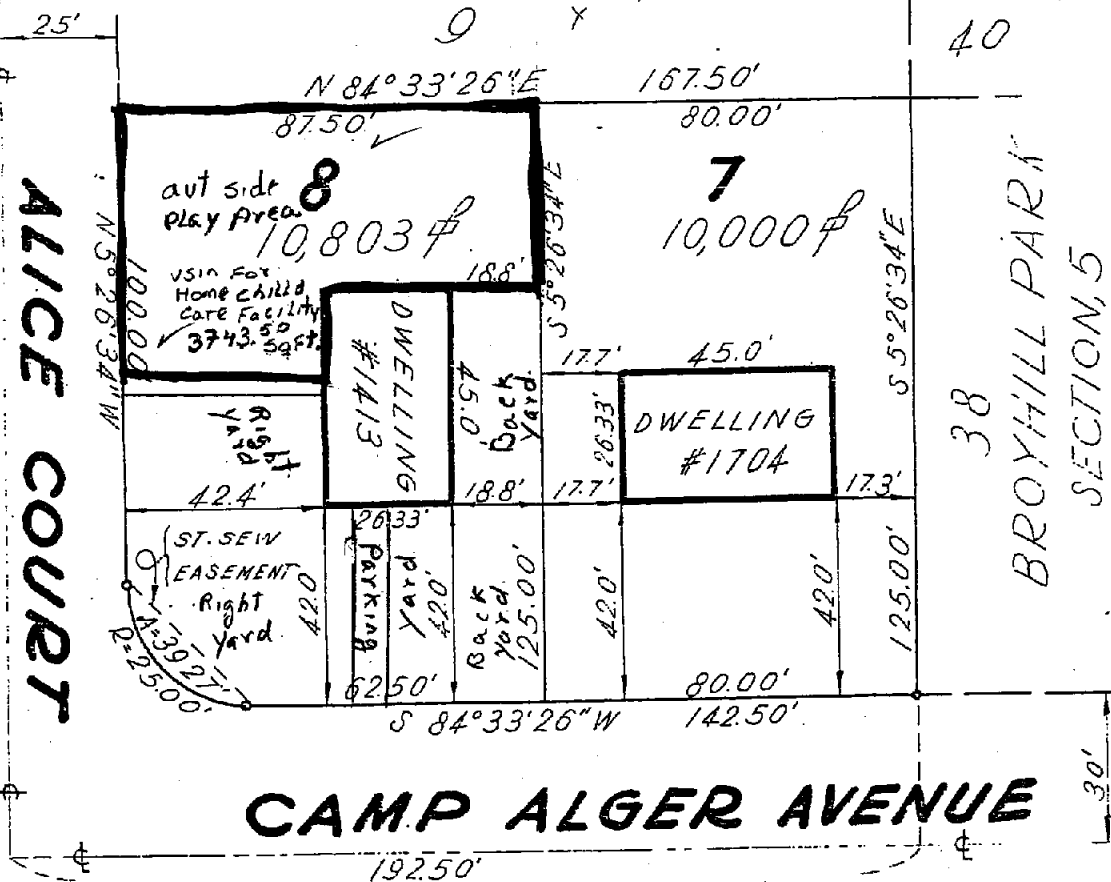


RECEIVED

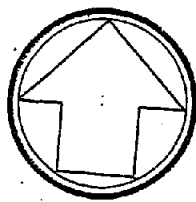
Department of Planning & Zoning

FEB 07 2014

Zoning Evaluation Division



This is to certify that I have made a transit survey of the lines of the above property and the location of the improvements thereon and any encroachments thereon.



L. Carl Gardner, Jr.
L. Carl Gardner, Jr.
04-02-2014

PLAT
SHOWING SURVEY OF
LOTS 7 & 8

BROYHILL PARK
SECTION SIX

APPROVED
L. F. Schuman
ZONING ADMINISTRATOR
DATE FEB 23 1955

FALLS CHURCH MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

Scale: 1"=40'

Date: JUNE 19, 1954

L. Carl Gardner, Jr.
Certified Land Surveyor

Certified Correct:

Deed Dated 5-27-54 As Inst #8739

Reference: Fairfax Co., Va.

Deed Book 1179, Page 359

L. Carl Gardner, Jr.
L. Carl Gardner, Jr.

SUSY'S DAYCARE
Susy Soliz Terrazas
3229 Alice Ct
Falls Church, VA, 22042
703-501-9795

Baseman

EMERGENCY EXIT



RECEIVED
Department of Planning & Zoning
APR 18 2014
Zoning Evaluation Division

A

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

RECEIVED
Department of Planning & Zoning

APR 18 2014

Zoning Evaluation Division

Outside Area

103



Photo #1 I am standing in the sidewalk looking to the front of the house



Photo #2 I'm standing on the corner in front sidewalk of the house, I can see the houses of neighbors.



Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

Streets



Photo # 3. I'am standing in the from house (side walk). Looking at the right
Can I see across the street more neighbors (Camp Alger Av.).



Photo # 4 I'am standing in the from house (side walk). Looking at the left
can I see other neighbors. Alice Court it is (Dead end).

A

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com

04/02/2014

RECEIVED

Department of Planning & Zoning

APR 18 2014

Zoning Evaluation Division

Outside Play Area



Photo # 5. I'm standing in the wallside looking the neighbors fence . Lot 7.

Photo # 6. (Sidewalk)Looking to the house



Photo # 7 I'm standing in the fence Lot 7 looking Across the play Area.

A

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

Neighbors



Photo # 8 I am standing in the wall brick looking Lot 9



Photo # 9. I am standing in the middle of the play ground looking Lot 7.

A

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

RECEIVED
Department of Planning & Zoning

APR 18 2014

Zoning Evaluation Division

Neighbor



Photo # 12

I am standing in the door to the Basement looking at the fence to the neighbor (Lot 7)

Photo # 13

I'm standing on the corner to the fence looking at the left of the house.



Photo # 14

I'm standing on the corner to the fence looking at the right of the house.

A

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

Back yard



Photo # 10. I am standing in the sidewalk looking the backyard.



Photo # 11. I am standing in the fence, in the middle of the playing area.(looking the backyard.)



Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

Neighbors



Photo # 15. I am standing in the sidewalk looking the driveway and garage of the house
By my back this street (Camp Alger Avenue).



Photo # 16. At my Right the house of my neighbor. (Lot 7).



Susy Soltz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

Neighbors across the street (Camp Alger Av.)



Photo # 17 I am standing in the sidewalk and driveway, looking at front of the Street.(Camp Alger Av.)

RECEIVED
Department of Planning & Zoning

APR 18 2014

Zoning Evaluation Division

Photo # 18

I'm in the same spot looking left across the street (Camp Alger Av.)



Photo # 19

I'm in the same spot looking Right across the street (Camp Alger Av.)

A

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

Neighbors across the Street (Alice Court)

Photo # 20

I am in the front of the door looking
across the street (Alice Court)



Photo # 21

I am in the front of the door looking
at right across the street (Alice Court)



Photo # 22

I am in the front of the door looking left,
to the corner of two streets (Alice Court)
and (Camp Alger Av.).

Main Level

PHOTOGRAPHY POINTS



SUSY'S DAYCARE
 Susy Soliz Terrazas
 3229 Alice Ct
 Falls Church, VA, 22042
 703-501-9795

A

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com RECEIVED
04/02/2014 Department of Planning & Zoning

APR 18 2014

Main Level

Zoning Evaluation Division



Photo #1 Taken from the window (Play area) looking to the Dining room



Photo #2 I am standing in the window (dining room) Looking to the Play Area



Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

Main Level



Photo #3 I'am standing in the window (Dining Area) looking to the kitchen.



Photo #4 I 'am in the kitchen, I took the picture looking to the Dining Room.

A

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com

04/02/2014

RECEIVED
Department of Planning & Zoning

APR 18 2014

Zoning Evaluation Division

Main Level



Photo #5 I'm standing on the wall looking at the north side of the playing area.



Photo #6 I'm standing on the wall looking at the opposite side of the playing area.
right I can see the exit door. left the hall that leads to the bathroom, the office and the steps down to the basement.

Main Level



Photo # 7 I'm standing on the corner looking at the shelves (North side)

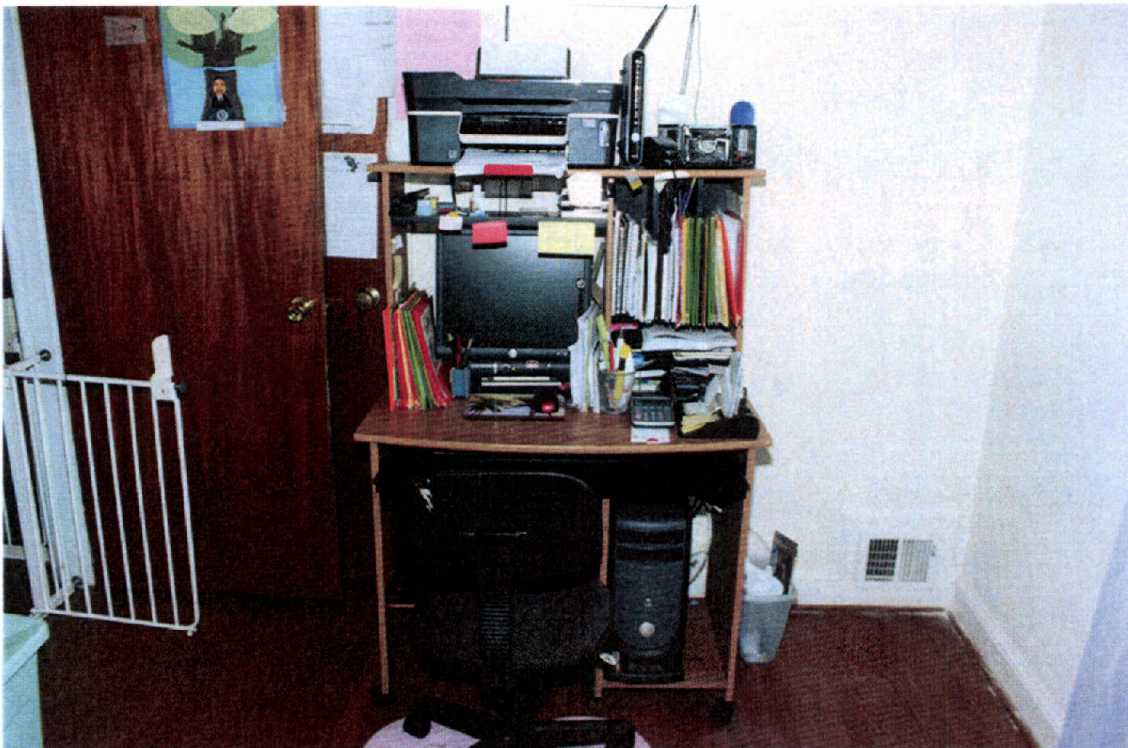


Photo # 8 I stand back to the shelves looking south side of the office, and the gateway

A

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

susyst73@hotmail.com
04/02/2014

Main Level to Basement

Steps towards Baseman



Towards the basement



Towards the top floor



Entry to the basement and emergency exit

A

SUSY'S DAYCARE

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

SUSYST73@HOTMAIL.COM
04/02/2014

Basement

Play Area

RECEIVED
Department of Planning & Zoning

APR 18 2014

Zoning Evaluation Division



Photo #1 Taken from the couch facing the Utility Room,



Photo #2 I'am standing in the door (Utility Room) Looking to the Play Area



SUSY'S DAYCARE

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

SUSYST73@HOTMAIL.COM
04/02/2014

Basement

Play Area



Photo # 3. I'm standing in the corner looking the exit door to the back yard,
and the stairs up main level.



Photo # 4. I'm standing in the corner next to the exit door, looking at play area.



SUSY'S DAYCARE

Basement

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

SUSYST73@HOTMAIL.COM

04/02/2014

RECEIVED
Department of Planning & Zoning

APR 18 2014

Zoning Evaluation Division

Sleep Area



Photo #5. I'm standing in the corner (Sleep Area) looking to the play area and the stairs.



Photo #6. I'm in the corner next to the stairs, looking to the nap area , and the store area
(Nap supply and Mats)



SUSY'S DAYCARE

Basement

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

SUSYST73@HOTMAIL.COM
04/02/2014

Sleep Area



Photo # 7. I'm in the corner looking to the right side to the nap area, and the store area



Photo # 8. Nap Supply storage



SUSY'S DAYCARE

Basement

Susy Soliz Terrazas
3229 Alice Court
Falls Church, VA, 22042
703-501-9795

SUSYST73@HOTMAIL.COM
04/02/2014

RECEIVED
Department of Planning & Zoning

APR 18 2014

Zoning Evaluation Division

Photo # 11.

I'm in the middle of the play area
looking the garage door exit.



Photo # 12. I'm standing in the front to the exit door (back yard).

SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for a home child care facility for 12 children at any one time within an existing dwelling. A detailed discussion of the request is included on Page 2.

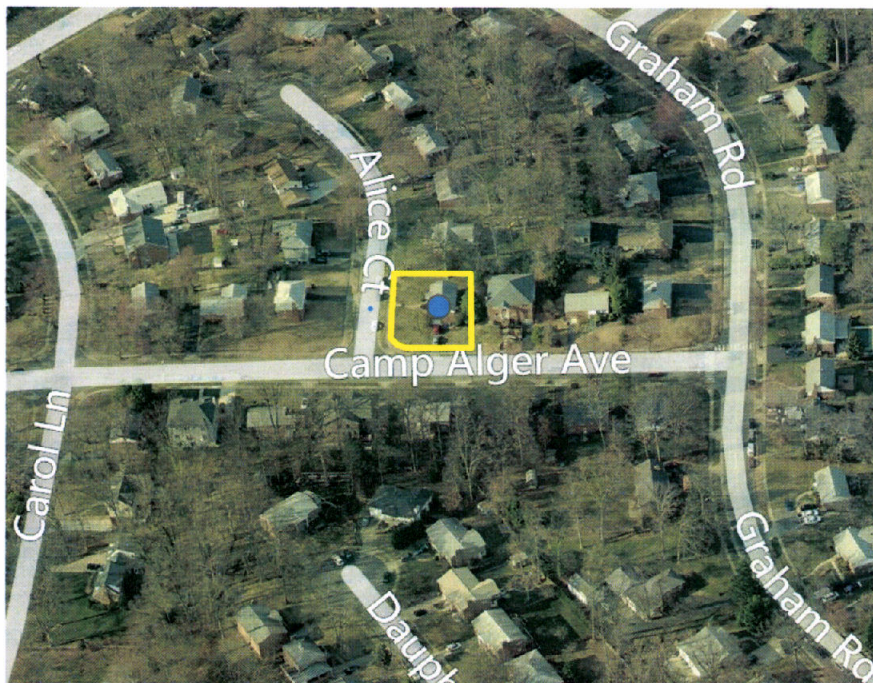
A copy of the plat titled, "Plat, Showing Survey of Lots 7 & 8, Broyhill Park, Section Six," prepared by L. Carl Cardner, Jr., dated 05/27/1954, as revised by Suzy Soliz-Terrazas, through April 2, 2014, is included at the front of this report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,803 square foot lot is developed with a one-story brick single family dwelling with 1,170 square feet of above grade living area. The dwelling also contains a full basement. The rear yard is surrounded by a wood fence. In the front yard, a play area of approximately 3,743 square feet is available for the home child care facility.

The dwelling is located at the intersection of Alice Court and Camp Alger Avenue. An asphalt driveway provides access from Camp Alger Avenue, with a capacity for parking two vehicles. The front entrance of the dwelling is oriented to Alice Court. A concrete walkway leads from the sidewalk to the front door.

As shown below, the site is surrounded by residential lots, zoned R-4, and developed with single family dwellings.



BACKGROUND AND HISTORY

County Records show that the dwelling was constructed in 1954. The current owner of the home purchased the property in November 1984.

The applicant operates a home child care facility and holds a current license, which is valid until January 11, 2016 from the Commonwealth of Virginia, Department of Social Services for a Family Day Home with a capacity of twelve children, ages birth through 12 years 11 months. Information about the applicant's state license is included as Appendix 5.

County records reflect that there has been one similar case in the vicinity since the adoption of the Zoning Ordinance. This information is in Appendix 4.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children at any one time, to operate between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday. Arrivals and departures of the children are staggered. Employees include the applicant, and two full-time assistants.

Parking for the child care is provided in the driveway on the lot, or on-street. Staff believes sufficient parking exists along Alice Court to accommodate the safe drop-off and pick-up of children for the home child care use. Due to the front entrance of the dwelling being oriented to Alice Court, staff believes it is more convenient to not confine pick-up and drop-off to the driveway which is adjacent to Camp Alger Avenue.

The home child care facility is primarily operated in the basement of the dwelling. The large room has its own bathroom and entrance, which provides emergency egress. The applicant states that children's meals and snacks are made in the dwelling's primary kitchen but served in the daycare downstairs. All children take naps in the basement area.

ANALYSIS

Comprehensive Plan Provisions

Plan Area:	Area I, Jefferson Planning District
Planning Sector:	Walnut Hill Community Planning District (JE04)
Plan Map:	Residential use at 4 dwelling units per acre (du/ac)

Zoning Ordinance Requirements

- General Special Permit Standards (Sect. 8-006)
- Group 3 Uses (Sect. 8-303)
- Additional Standards for Home Child Care Facilities (Sect. 8-305)
- Use Limitations for Home Child Care Facilities (Sect. 10-103, Par. 6)

This special permit is subject to the sections of the Zoning Ordinance outlined in the previous page, a copy of which is included in Appendix 7. Subject to the development conditions, the special permit must meet these standards.

Site Inspection

During a site inspection, staff noted that play area for the home child care use is located in the front yard. Staff believes that a portable fence should be placed around the play area to ensure the safety of the children. Staff noted that the handrail for the interior stairs was slightly loose and some items were stored too close to the electrical service equipment. Development conditions have been proposed to address these issues.

A report from the Zoning Inspection Division is included as Appendix 6.

CONCLUSION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-MA-096, subject to the Proposed Development Conditions dated November 12, 2014.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit

SP 2014-MA-096

3. Applicant's Statement of Justification
4. Similar Case History
5. Virginia State License information
6. Zoning Inspection Report
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-MA-096****November 12, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-096 located at Tax Map 60-1((20)) 8 for a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Susy Soliz-Terrazas, only and is not transferable without further action of the Board, and is for the location indicated on the application, 3329 Alice Court, Falls Church, VA 22042, and is not transferable to other land.
2. This special permit is granted only for the home child care facility indicated on the special permit plat titled, "Plat, Showing Survey of Lots 7 & 8, Broyhill Park, Section Six," prepared by L. Carl Cardner, Jr., dated 05/27/1954, as revised by Suzy Soliz-Terrazas, through April 2, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The number of non-resident assistants on site at any one time shall be limited to two.
7. The dwelling that contains the child care facility shall be the primary residence of the applicant.
8. There shall be no signage associated with the home child care facility.
9. Fencing shall be placed around the play area for the home child care facility in the front yard during times that the children are utilizing the area.
10. The applicant shall repair the interior staircase guardrail within 30 days of approval of the special permit.

11. A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. No storage of any materials shall be located within the designated working space.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 6 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s):

SP 2014-MA-096

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVITDATE: 04/18/2014

(enter date affidavit is notarized)

124446

I, Susy Soliz-Terrazas, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☒ applicant
 ☐ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Susy Soliz-Terrazas	3229 Alice Court,	Applicant / lessee
"	Falls Church, VA 22042	
Susy's Daycare, Inc.	Same	Co - Applicant
Janet Porter	8805 Southlea Court,	Title Owner
	Fairfax, VA 22031	

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

- * In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

AB 124446

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/18/2014
(enter date affidavit is notarized)

124446

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Susy's Daycare, Inc.

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Susy Soliz-Terrazas.

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

124446

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/18/2014
(enter date affidavit is notarized)

124446

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

124446

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/18/2014
(enter date affidavit is notarized)

124446

1(d). One of the following boxes must be checked:

- ☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

SS
~~NONE~~

- ☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

- (check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

124446

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/18/2014
(enter date affidavit is notarized)

124446

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on line below.)

NONE

(**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

Susy Soliz-Terrazas

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18 day of April, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: 04/30/2017

DANA MARIE IZZO
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES APR. 30, 2017
COMMISSION # 7548970

Susy Soliz-Terrazas
3229 Alice Court
Falls Church, VA 22042
703-501-9795
Susyst73@hotmail.com

RECEIVED
Department of Planning & Zoning
APR 18 2014
Zoning Evaluation Division

January 30, 2014

Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Special Permit Application
Applicant: Susy Soliz-Terrazas
Zoning Ordinance Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards
Tax Map #: 60-1-20-0008
Zoning District: R-4
Lot Size: 10,803 square feet

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I rent a single-family detached dwelling at 3229 Alice Court in Falls Church, Virginia 22042 with my children. The property is zoned R-4 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facilities operations:

Hours: The child care is open from 6:00 AM to 7:00 PM, Monday through Friday or based on as a need basis.

Number of Children: I care for up to 12 children at a time. This number does not include my own two children.

Employees: I have two assistants who work full time.

Arrival Schedule: Three of the children arrive between 6:00 AM and 7:00 AM. Three of the children arrive between 7:00 AM and 8:00 AM. Three of the children arrive between 8:00 AM and 9:00 AM. One child arrives between 9:00 AM and 10:00 AM. Two of the children arrive after school between 3:30 PM to 4:00 PM.

Departure Schedule: One child is picked up between 1:30 PM and 2:30 PM. Two of the children are picked up between 4:00 PM and 5:00 PM. Five of the children are picked up between 5:00 PM and 6:00 PM. Four of the children are picked up between 6:00 PM and 7:00 PM.

Area Served: Currently, most of the children live in the general vicinity of my neighborhoods. Many of the children live in the neighborhoods of Loehmann's Plaza, Falls Church. Most of the parents drive their children to my house. Three of the children live in the immediate area. Their parents walk them to daycare.

Operations: As I stated, the house I rent is a single-family detached rambler dwelling. There is a kitchen, dining area, living room area, office room and a bathroom on the main floor. We use the main floor to cook, provide children with meals and snacks and also for time activities. This space is about 1,474.4 square feet. The dwelling also has a walkout basement which is used as an inside play area and nap time as well; this space has its own bathroom and is approximately 741.82 square feet. Attached is a floor plan that indicates the areas where the each space is located. (see Attachment A for floor layout and interior photos).

Hazardous of Toxic Substances: The house and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Zoning Ordinance Compliance: The proposed development conforms to the provisions of all applicable ordinances; regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Outdoor Play Area: I use the side yard for outdoor play for the children. The area is approximately 3,864.75 square feet. I have attached a drawing of what the outdoor play area looks like.

Parking: I use my garage to park my family car. My driveway provides enough parking for two more cars and it is approximately 42.3 feet long. In addition, ample parking is available along the streets in front of my house and a right side (Alice ct and Camp Alger avenue) for the parents and employees.

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

In conclusion, I am proposing no changes to the outside appearance of my brick and vinyl home. I propose no addition and no signs regarding the day care. Adequate parking is available for my parents, employees and family. For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any way.

Sincerely,

Susy Soliz-Terrazas
Owner of Susy's Daycare

Similar Case History

Group: 2014-MA-019

SP 2014-MA-019

STAFF REPORT

APPLICANT: ZENAI DA R. IBANEZ
STATUS: BZA DECISION
STATUS/DECISION DATE: 05/11/2014
ZONING DISTRICT: R- 4
DESCRIPTION: HOME CHILD CARE FACILITY
LOCATION: 3314 GRAHAM ROAD, FALLS CHURCH, VA 22042
TAX MAP #5:
0601 11 0016

Virginia.gov

Agencies | Governor

VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Susy Soliz-Terrazas**

3229 Alice Court

FALLS CHURCH, VA 22042

(703) 241-4580

Facility Type: Family Day HomeLicense Type: Two YearExpiration Date: Jan. 11, 2016Business Hours: 6:00 a.m. - 12:00 p.m.
Monday - Saturday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Cynthia Burling
(703) 934-1506



County of Fairfax, Virginia

MEMORANDUM

Date: November 7, 2014

To: Erin Haley, Senior Staff Coordinator
Zoning Evaluation Division

From: Dawn Curry
Senior Zoning Inspector
Zoning Inspection Branch

Subject: Home Child Care Inspection – SP 2014-MA-096

Applicant: Susy Soliz-Terrazas – Susy's Daycare Inc.
3229 Alice Court, Falls Church, Virginia 22042
Broyhill Park, Lot 8, Sec 6
Tax Map# 60-1 ((20)) 0008
Zoning District: R-4(Residential 4 DU/AC)
Magisterial District: Mason
Mail Log # 2014- 0451
Date of Inspection: November 7, 2014

KEY: A "✓" mark in a box indicates that the item was deficient. An unmarked box indicates that no violation was found.

- ☐ Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
- ☐ An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- ✓ All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

**Loose handrail for the interior stair*

- ☐ All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- ☐ Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- ☐ Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- ✓ A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

**Storage near the electrical service. Advised the applicant to remove the items to another location.*

- ☐ Structures comply with the Zoning Ordinance.

8-006**General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305

Additional Standards for Home Child Care Facilities

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

Sect. 10-103 Use Limitations

6. The following use limitations shall apply to home child care facilities:

A. The maximum number of children permitted at any one time shall be as follows:

- (1) Seven (7) when such facility is located in a single family detached dwelling.
- (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.

C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.

D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.

E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.

F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.